

California Victim Compensation and Government Claims Board

Open Meeting Minutes

November 19, 2004

The California Victim Compensation and Government Claims Board convened its regular session at the call of Fred Aguiar, Secretary, State and Consumer Services, at the First Floor Hearing Room, 630 "K" Street, Sacramento, California, on Friday, November 19, 2004, at 10:00 a.m. Also present were Board members Windie Scott, Deputy State Controller, acting for and in the absence of Steve Westly, Controller, and Michael Ramos, San Bernardino County District Attorney.

Board staff present included Karen McGagin, Executive Officer; Judith A. Kopec, Chief Counsel; Luisa Park, Deputy Executive Officer, Administration Division; Ted Boughton, Deputy Executive Officer, Victim Compensation Program; Christina M. Aceituno, Manager, Government Claims Program, and Missy Carrick, Board Liaison, recorded the meeting.

The Board meeting commenced with the pledge of allegiance.

The Executive Officer introduced the new Board Liaison Missy Carrick and also thanked the previous Board Liaison Sally Gill for all her hard work. Also introduced were Ted Boughton, Deputy Executive Officer, Victim Compensation Program and Dennis Boydston, Deputy Executive Officer, Revenue Recovery and Appeals Division.

MINUTES

The Board voted to adopt the minutes of the October 29, 2004 Board meeting.

EXECUTIVE OFFICER'S STATEMENT

The Executive Officer reported on the following:

The Board's 2004 State Employee Charitable Campaign successfully raised \$30,827. The total reflects an increase of approximately 7 percent over last year and highlights the generosity of our employees. The Executive Officer thanked Board staff Laura Bauman and the Charitable Campaign Committee for all the time and effort they put into the successful campaign.

The Attorney General's Task Force on Criminal Justice Response to Domestic Violence convened in Sacramento on October 27-28, 2004. The Task Force will reconvene in December and January to complete its report describing current practices, identifying critical needs, highlighting successful approaches, and proposing possible legislative changes. The Task Force will then make recommendations to the Attorney General.

The Board staff attended the Victim Witness Coordinating Council's Victim Compensation Committee meeting on November 2, 2004. The Victim Compensation Committee meetings provide Board staff with opportunities to discuss evolving policy and technical issues with county representatives.

A copy of the article "Restitution and the Road to Recovery" which was recently published in the child exploitation issue of *Prosecutor's Brief* was given to each Board member.

The Executive Officer thanked the authors of the article, Board staff Deborah Bain and JoAnn Goodwin, for their volunteer efforts with the California District Attorneys Association.

2005 BOARD MEETING CALENDAR

The Board voted to adopt the 2005 California Victim Compensation and Government Claims Board meeting calendar.

GOVERNMENT CLAIMS PROGRAM

The Board commenced the Government Claims Program portion of the meeting at 10:12 a.m.

Item 1¹ The Board voted to adopt the staff recommendations on the claims listed on the Government Claims Program Consent Agenda with the following changes:

Item 14¹ **Claimant** **G544500**

Upon review of additional information submitted by the claimant's attorney, the Office of the Attorney General has revised its initial recommendation to deny the late claim application and now recommends that the Board grant the late claim application and reject the claim.

Item 165¹ **Claimant: Elidia Duarte** **G549550**

Staff requests that the Board continue the claim for submission of additional information by the claimant.

Total Claims	Claims Rejected	Claims Allowed in Whole or Part	Claims Allowed		Late Claims	
			Paid via Gov. Code §965	Paid via Claims Bill	Denied	Granted
213	125	88	13	75	0	0

Item 2¹ **CLAIMANT: Antoine Maurice Goff** **G541855**
CLAIMANT: John T. Tennison **G542416**

These claims were continued to the December meeting at the claimants request.

Item 3¹ Judith Kopec, Chief Counsel, presented the "Dismissal Without Further Hearing of the Protest of Acorn Engineering Company Invitation for Bid No. 53579." After discussion, the Board voted to adopt the staff recommendation to dismiss the protest without further hearing.

Randy Valenzano, part owner of the Sacramento Flow Control, the proposed awardee, supported adopting the proposed decision and recommended the use of the I-Con flushing system because the product best meets the needs of the institution.

Item 4¹ Chris Aceituno, Manager, Government Claims Program, presented the "Discharge from Accountability for Uncollectible Accounts pursuant to Government Code section 13940, et seq." The Board voted to adopt the staff recommendation to allow the Discharge from Accountability for Uncollectible Accounts in the amount of \$171,283,406.11 pursuant to Government Code section 13940, et seq.

VICTIM COMPENSATION PROGRAM

The Board commenced the Victim Compensation Program portion of the meeting at 10:22 a.m.

REQUESTS FOR RECONSIDERATION

The Board voted to adopt the staff recommendations to allow the requests for reconsideration for agenda item numbers 1 through 6, and deny requests for reconsideration for agenda item numbers 7 through 17 and voted to continue items 10 through 13.

7 CLAIMANT	294661V
8 CLAIMANT	328598V
9 CLAIMANT	539933V
10 CLAIMANT	549240V
The Board voted to continue this item.	
11 CLAIMANT	657951V
The Board voted to continue this item.	
12 CLAIMANT	669547V
The Board voted to continue this item.	
13 CLAIMANT	706571V
The Board voted to continue this item.	
14 CLAIMANT	768703V
15 CLAIMANT	801845V
16 CLAIMANT	817986V
17 CLAIMANT	828240V

The Board voted to adopt the staff recommendations on the balance of claims for which appeals were withdrawn or deemed to be withdrawn under California Code of Regulations, Title 2, Section 647.35 and action on claims for which a hearing was denied under California Code of Regulations, Title 2, Section 647.20.1 for agenda item numbers 18 through 66.

CLOSED EXECUTIVE SESSION (GC § 11126(c)(3) and 11126(e)(1))

Pursuant to Government Code sections 11126(c)(3), and 11126(e)(1) the Board adjourned into a closed Executive Session with the Board's Executive Officer, Chief Counsel, and the Deputy Executive Officer, Administration Division at 10:25 a.m., to discuss pending litigation and deliberate on the proposed decisions that were taken under submission during the meeting.

The Board reconvened into open session at 10:26 a.m.

PROPOSED DECISIONS

Item 67 **CLAIMANTS** **528577V, 528572V**

The Board voted to adopt the proposed decision.

Item 68 **CLAIMANT** **659191V**

The Board voted to adopt the proposed decision.

Item 69 **CLAIMANT** **711163V**

The Board voted to adopt the proposed decision.

Item 70 **CLAIMANT** **745143V**

The Board voted to adopt the proposed decision.

Item 71 **CLAIMANT** **753203V**

The Board voted to adopt the proposed decision.

Item 72 **CLAIMANT** **768759V**

The Board voted to adopt the proposed decision.

Item 73 **CLAIMANT** **791037V**

The Board voted to adopt the proposed decision.

Item 74 **CLAIMANT** **796125V**

The Board voted to adopt the proposed decision.

Item 75 **CLAIMANT** **804448V**

The Board voted to adopt the proposed decision.

Item 76 **CLAIMANT** **809467V**

The Board voted to adopt the proposed decision.

ADJOURNMENT

The meeting was adjourned at 10:27 a.m.

KAREN McGAGIN
Executive Officer

I certify that the California Victim Compensation and Government Claims Board adopted these minutes at its meeting of _____ at _____, California.

Date: _____ By: _____

Missy Carrick
Board Liaison

(Affix seal here)